Serial No. 09/676,584

Filing Date: September 29, 2000

REMARKS

Claims 1-28 remain pending in the present application. Reconsideration of the pending claims and allowance is respectfully requested in view of the following comments.

I. Rejections under 35 U.S.C. § 102(e)

The Office Action mailed June 3, 2005, rejected claims 1-28 under 35 U.S.C. § 102(e) as anticipated by Guheen *et al.* (U.S. Patent Publication No. 2004/0107125). Attached hereto as Attachments 1 and 2 are declarations signed by inventors Kaltenmark and DeGiorgio, respectively. As indicated in these declarations, Applicants are capable of establishing a date of conception at least prior to December 18, 1998, which is earlier than the effective date of Guheen *et al.* Accordingly, Guheen *et al.* does not qualify as prior art under 35 U.S.C. § 102(e) and should be removed from consideration.
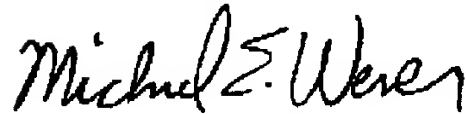
II. Conclusion

With this response, Applicants believe that the present pending claims of this application are allowable and respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

SIGNATURE PAGE ATTACHED

Serial No. 09/676,584   Filing Date: September 29, 2000

Respectfully submitted,

Michael E. Wever

Michael E. Wever
Attorney Reg. No. 43,984
Attorney for Applicant

MEW

BRINKS HOFER GILSON & LIONE
CUSTOMER NO. 33391
Telephone: 317-636-0886
Facsimile: 317-634-6701

3 of 3

ATTACHMENT 1

PATENT
Case No.: 10022/043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Group Art Unit: 2141
John K. Kaltenmark et al.)	Examiner: Djenane M. Bayard
Serial No.: 09/676.584)	
Filed: September 29, 2000)	
For: OPERATIONS ARCHITECTURES) FOR NETCENTRIC COMPUTING) SYSTEMS)	

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO OVERCOME CITED PATENTS (37 C.F.R. § 1.131)

I, John K. Kaltenmark, do hereby humbly declare and state as follows:

1.   I am a joint inventor with Christopher M. DeGiorgio of the subject matter claimed in the above-identified patent application.

2.   I have been informed that U.S. Patent Publication No. 2004/0107125, which was published on June 3, 2004, has been cited as prior art in the above-identified patent application. I have been informed that the earliest effective filing date to which U.S. Patent Publication No. 2004/0107125 claims priority is May 27, 1999.

3.   I am listed as an author of a book entitled Netcentric and Client/Server Computing – A Practical Guide ("the Book"). It is my understanding that the Book was published by Auerbach on December 18, 1998. Auerbach is an imprint of CRC Press LLC, which is located at 2000 Corporate Boulevard N.W.. Boca Raton. Florida 33431. Attached as Exhibit A is a printout from Amazon.com that sets forth the publication date of the book as December 18, 1998. Each and every feature of the invention disclosed in claims 1-28 of the above-identified patent application were

1

conceived prior to May 27, 1999 and are supported by and based on the Book. As such, a date of conception of this application can be established at least prior to December 18, 1998.

4. Myself and my co-inventor are the authors of at least Chapters 12 and 28 and a portion of Chapter 3 of the Book. This subject matter of Chapters 12 and 28 and a portion of Chapter 3 of the Book are the work of myself and my co-inventor, and not that of others.

5. The features of the invention disclosed in claims 1-28 are supported by the concepts, ideas, etc. included in at least Chapters 12 and 28 and a portion of Chapter 3 of the Book.
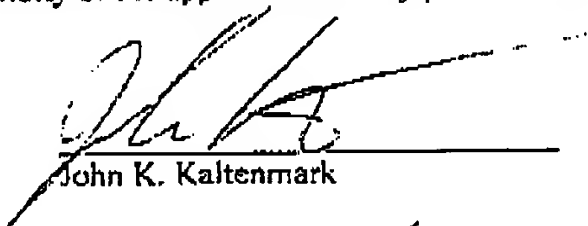
6. It is my understanding that the contents of the Book were filed as U.S. Provisional Application Serial No. 60/156,962 on October 1, 1999. I have been informed that this establishes constructive reduction to practice of the invention embodied in claims 1-28 as of the filing date of the provisional application. It is my understanding that the present utility application was subsequently filed on September 29, 2000 and claims priority from the provisional application set forth above.

7. During the period from prior to December 18, 1998 up to the filing of U.S. Provisional Application Serial No. 60/156,962 on October 1, 1999, I was actively and diligently involved in construction and testing of concepts and working embodiments of the invention.

8. The invention disclosed by claims 1-28 of this application was conceived at least prior to December 18, 1998, which is a date earlier than the effective date of U.S. Patent Publication No. 2004/0107125.

2

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.
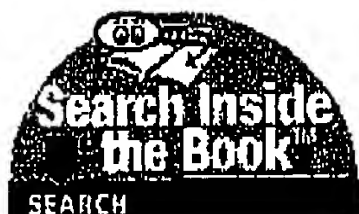
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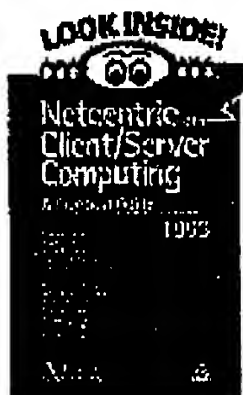(X ☆☆☆☆)
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Editorial Reviews

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Defines "netcentric" as an emerging architecture style and a stage of client/server computing. Introduces basic netcentric principles and concepts, overviews netcentric computing models, and develops a solid business case for netcentric computing. Explains various technologies involved and describes netcentric architectures, then details crucial analysis, design, and implementation issues, including design specifics, rollout strategies, and ongoing management of distributed operations. Provides a framework for testing applications, and discusses transition frameworks for netcentric environments. -- *Copyright © 1999 Book News, Inc., Portland, OR All rights reserved*

Book Description
From Federal Express's package tracking Website, to Amazon.com, netcentric computing has been evolving, slowly-but-surely, one solution at a time, since the early 1990s. Over the past year or so, the trickle has grown into a torrent of netcentric innovations of wider and wider scope, developed in companies around the globe. Now, a new enterprise computing paradigm has sprung into being. Until now, there has been no comprehensive netcentric model, clearly defined netcentric system

6/20/2004

ATTACHMENT 2

PATENT
Case No.: 10022/043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)
	) Group Art Unit: 2141
John K. Kaltenmark et al.	)
	) Examiner: Djenane M. Bayard
Serial No.: 09/676,584	)
	)
Filed: September 29, 2000	)
	)
For: OPERATIONS ARCHITECTURES	)
FOR NETCENTRIC COMPUTING	)
SYSTEMS	)

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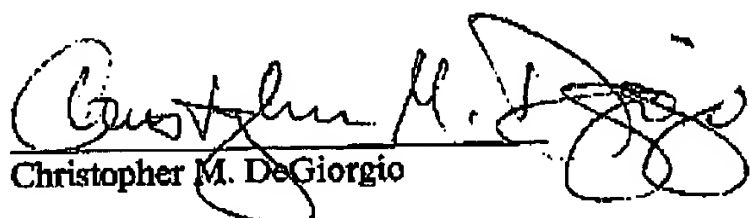
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2

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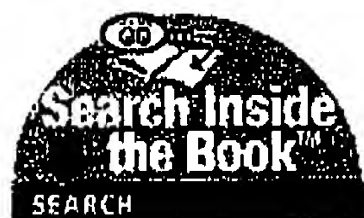
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From Federal Express's package tracking Website, to Amazon.com, netcentric computing has been evolving, slowly-but-surely, one solution at a time, since the early 1990s. Over the past year or so, the trickle has grown into a torrent of netcentric innovations of wider and wider scope, developed in companies around the globe. Now, a new enterprise computing paradigm has sprung into being. Until now, there has been no comprehensive netcentric model, clearly defined netcentric system